

Remarks:

1. Rejections.

Claims 1-11 are pending in this application. Claims 1-7, 9, and 10 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by Patent No. US 6,308,615 B1 to Takenaka *et al.* ("Takenaka"), and claims 8 and 11 stand rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by Takenaka, as applied to claim 1. Applicant respectfully disagrees.

2. Anticipation Rejections.

As noted above, claims 1-7, 9, and 10 stand rejected as allegedly anticipated by Takenaka. "A claim is anticipated if and only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. . . . 'The identical invention must be shown in as complete detail as is contained in the . . . claim.'" MPEP 2131 (citations omitted). The Office Action alleges that Takenaka describes each and every element as set forth in claims 1-7, 9, and 10. Applicant respectfully disagrees.

Claim 1, as amended, describes:

a shoe slidably coupling the coupling portion to the swash plate, the coupling portion having a spherical contact surface, the shoe having a spherical surface slidable along the contact surface, at least one of the contact surface and the spherical surface having an oxide film retaining a number of self-lubricating particles therein.

(Emphasis added). According to the specification, the self-lubricating particles are retained "within" the oxide film. Appl'n, Page 5, Lines 11-26; Fig. 3. The Office Action contends that Takenaka discloses "an oxide film 82 retaining a number of self-lubricating particles." Office Action, Page 2, Lines 14-15. Nevertheless, Takenaka describes:

an oxide film (alumite layer) as a foundation layer . . . formed on the entire surface of the base metal (including the concavities 81. After the oxide film was washed by water and degreased, polyamide-imide resin composition containing molybdenum disulfide was diluted by a solvent, was sprayed on the concavities 81, and was burned at 200 degrees Celsius. This formed a solid lubricant film 82 (about 5 μm in thickness) on the foundation layer.

Takenaka, Column 7, Lines 39-46 (emphasis added); see also Takenaka, Column 4, Lines 18-21.¹

Contrary to Applicant's claimed invention, Takenaka does not disclose that the particles of self-lubricating material are retained "within" the oxide film. Instead, Takenaka describes a layer of self-lubricating material formed "on" the oxide film. Takenaka emphasizes this distinction by describing the application of a soft film "on" the foundation layer. Takenaka, Column 4, Lines 18-21. Takenaka's soft film includes tin or tin alloys and this "soft film may also include a small amount of solid lubricant material" Takenaka, Column 4, Lines 14-17 and 39-41.

In view of the foregoing remarks, Applicant maintains that Takenaka fails to disclose each and every element of the invention as described in Applicant's claim 1 "in as complete detail as is contained in the . . . claim." MPEP 2131 (citations omitted). Because claims 2-7, 9, and 10 depend from claim 1 and because the Office Action cites no other source of the elements missing from claim 1, Applicant respectfully requests that the Examiner withdraw the anticipation rejections of claims 2-7, 9, and 10, as well.

3. Obviousness Rejections.

As noted above, claims 8 and 11 stand rejected as allegedly rendered obvious by Takenaka, as applied to claim 1. Claims 8 and 11 depend directly from claim 1. "If an independent claim is non-obvious under 35 U.S.C. 103, then any claim dependent therefrom is non obvious." MPEP 2143.03. Therefore, in view of the foregoing remarks with respect to the anticipation rejection of claim 1 and because the Office Action does not contend (1) that the elements of claim 1 that are missing from Takenaka are suggested by Takenaka or (2) that, if suggested, there is a motivation to modify Takenaka to include those elements to achieve the invention of claim 1, the rejections of claims 8 and 11 are untenable. Therefore, Applicant respectfully requests that the Examiner withdraw the obviousness rejections of claims 8 and 11.

¹ Takenaka states that "[c]oncavities 81, which serve as the sliding surfaces that contact the spherical surfaces 21, are formed in the recess of each piston 8." Takenaka, Column 6, Lines 13-15.

Conclusion:

Applicant respectfully submits that this application, as amended, is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that a further interview with Applicant's representatives, either in person or by telephone, would expedite prosecution of this application, we would welcome such an opportunity.

Respectfully submitted,

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Enclosures